

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re The Patent Application of:

HARRY W. DIEHL

Serial No.: 08/449,066

Filed: May 24, 1995

For: METHOD FOR THE TREATMENT
OF NON-RHEUMATOID
ARTHRITIS

: Art Unit 1205

: Examiner Criares

RECEIVED

APR 12 1996

Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

**MATRIX CUSTOMER
SERVICE CENTER**

DECLARATION UNDER 37CFR 1.132

James Vorosmarty declares that:

1. He is a citizen of the United States and a physician, having received a Doctor of Medicine Degree in 1961 from Jefferson Medical College in Philadelphia, Pennsylvania;

2. He is presently licensed to practice medicine in Pennsylvania, California, New York, Maryland and Louisiana, is a Diplomate of the National Board of Medical Examiners and a Fellow of the American College of Physicians and the American Academy of Family Practice; from 1980 to 1983 he was Commanding Officer, Naval Medical Research Institute, Bethesda, Maryland;

3. He is familiar, as a physician, with the various recognized forms of arthritis, including rheumatoid arthritis and osteoarthritis, as well as the pathologies and recognized modes of treatment for the various forms of the disease;

4. The term "arthritis" is applied generally in the medical profession to a large number of diseases effecting joints. The mechanism by which these various forms of arthritis, including rheumatoid arthritis, and osteoarthritis afflict the joints, is generally quite different, as is the recommended treatment. Specifically, rheumatoid arthritis and osteoarthritis are recognized as being distinctly different diseases of the joints requiring different forms of treatment;

5. Accordingly, it cannot generally be stated that because a particular medication can be used effectively to treat one form of arthritis, it could also be used effectively to treat all or any other forms of arthritis; and specifically it cannot be assumed that medications effective in the treatment of rheumatoid arthritis would also be effective in treating osteoarthritis, which is

recognized to be a distinctly different disease having a different pathology and mode of treatment.

6. He hereby declares that all statements made herein are of his own knowledge true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that any willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any application or any patent issued thereon.

Date

4/11/96


James Vorosmarty, MD